

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BASAALY MOALIN et al.,

Defendants.

Case No. 10cr4246-JM

ORDER STRIKING MOTION TO TAKE
DEPOSITIONS (CT. DKT. No. 152);
SCHEDULING ORDERS ON (1) RULE 15
MOTION; (2) STATUS CONFERENCE;
AND (3) MOTIONS IN LIMINE

Striking of Ct. Dkt. 152

Without first obtaining a hearing date as required by Criminal Rule 47.1, Defendants filed a joint motion to take certain depositions. Consequently, the Clerk of Court is instructed to strike Ct. Dkt. 152 from the Court Docket.

Scheduling Order

Defendants may jointly file a Motion for Rule 15 Deposition Testimony by July 20, 2012. The Government shall file a response no later than by August 3, 2012 and Defendants may jointly file a reply brief by August 10, 2012. The matter is calendared for oral argument on **August 20, 2012 at 10:30 a.m.**

Requested Briefing

In addition to showing that Rule 15 provides the mechanism for deposition testimony, Defendants must also provide competent evidence to show that the deposition procedures in the foreign

country, as to reliability and trustworthiness, are compatible with fundamental issues of fairness. See Societe Natioale Industrielle Aerospoatiale v. United States Dist. Ct., S.D. Iowa, 482 U.S. 522 (1987). Any motion for foreign depositions must identify the applicable treaty or other applicable law applying to Defendants' depositions. The court also requests that Defendants identify, with competent evidence, (1) why the proposed deponents cannot be transported to the United States; (2) why travel documents cannot be made available to the proposed deponents; (3) where the depositions will occur; (4) an assessment of the dangers and risks inherent in traveling to Somalia for the depositions; and (5) the procedures or mechanics of the depositions (i.e. under oath, subject to cross examination, etc.).

Status Conference

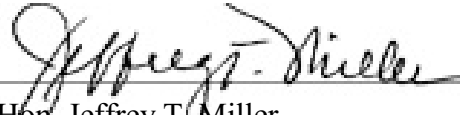
The court calendars a trial readiness and status conference for ***September 14, 2012 at 1:30 p.m.***

Motions in Limine

All motions in limine must be filed by September 7, 2012, all oppositions by September 21, 2012, and all reply briefs by October 1, 2012. Oral argument on the motions is calendared for ***October 5, 2012 at 1:30 p.m.***

IT IS SO ORDERED.

DATED: July 12, 2012


 Hon. Jeffrey T. Miller
 United States District Judge

cc: All parties